

Bruce D. Kuyper
Direct Dial: (213) 891-8001
bruce.kuyper@lw.com

633 West Fifth Street, Suite 4000
Los Angeles, California 90071-2007
Tel: +1.213.485.1234 Fax: +1.213.891.8763
www.lw.com

ATHAM & WATKINS LLP

FIRM / AFFILIATE OFFICES

Barcelona	New Jersey
Brussels	New York
Chicago	Northern Virginia
Frankfurt	Orange County
Hamburg	Paris
Hong Kong	San Diego
London	San Francisco
Los Angeles	Shanghai
Madrid	Silicon Valley
Milan	Singapore
Moscow	Tokyo
Munich	Washington, D.C.

File No. 029523-0026

December 12, 2007

VIA FIRST CLASS MAIL VIA EMAIL

Melody A. Kramer, Esq.
Kramer Law Office, Inc.
9930 Mesa Rim Rd., Ste. 1600
San Diego, CA 92121-2910

Re: U.S. Pat. No. 4,935,184

Dear Ms. Kramer:

We received your letter of December 6. Because Lexar has carefully followed 35 U.S.C. § 287(b)(5)(c), Lexar is not even on actual notice of infringement. Thus, as is clear from the statute, no damages can be recovered on your soon-to-be-expired patent. We have told you, and Mr. Kaler before you, time and time again that our suppliers have confirmed (*inter alia*) that they use separate molds and do not infringe. Nothing has changed. You have provided no information or evidence to the contrary.

You now threaten that you are going to sue because we will not agree to your completely unilateral conditions, which have no statutory basis whatsoever. You want more information about Lexar's suppliers' processes without agreeing that you will keep it confidential or refrain from using it in connection with something other than the '184 patent. Of course, if you do file a suit, you would only get this information after you sign a protective order with those same limitations. You also want more information about Lexar's suppliers' processes but refuse to agree that you will not later claim a waiver of privilege by virtue of Lexar's attempt to cooperate with you.

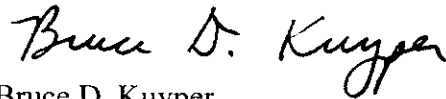
The conditions outlined in our prior letter are reasonable and will not prejudice you in any way. Although we have no obligation, our offer to provide you with even more evidence of no infringement remains open. However, given the lack of any evidence of infringement, we continue to consider this matter closed and will respond to any potential suit as frivolous under

Melody A. Kramer, Esq.
December 12, 2007
Page 2

LATHAM & WATKINS^{LLP}

Rule 11.

Sincerely,

A handwritten signature in black ink that reads "Bruce D. Kuyper". The signature is written in a cursive, slightly slanted style.

Bruce D. Kuyper
of LATHAM & WATKINS LLP